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PATENT COOPERATION TREATY

PCT/JP2004/003520



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Translation

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| Applicant's or agent's file reference ES190401 | FOR FURTHER ACTION See Form PCT/IPEA/416 | |
| International application No. PCT/JP2004/003520 | International filing date (day/month/year) 17 March 2004 (17.03.2004) | Priority date (day/month/year) 17 March 2003 (17.03.2003) |
| International Patent Classification (IPC) or national classification and IPC G06F 9/06, 15/00 | | |
| Applicant SEIKO EPSON CORPORATION | | |

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|--|---|
| 1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. | |
| 2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet. | |
| 3. This report is also accompanied by ANNEXES, comprising: | |
| a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>6</u> sheets, as follows: | |
| <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). | |
| <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. | |
| b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions). | |
| 4. This report contains indications relating to the following items: | |
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input checked="" type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

| | |
|---|---|
| Date of submission of the demand 12 July 2004 (12.07.2004) | Date of completion of this report 25 May 2005 (25.05.2005) |
| Name and mailing address of the IPEA/JP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/003520

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages _____ 1-17 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- pages _____ 3-5, 8, 10, 12, 13, 17 _____, as originally filed/furnished
- pages* _____, as amended (together with any statement) under Article 19
- pages* 1, 2, 6, 7, 9, 11, 15, 16, 18, 20, 21 received by this Authority on 14 January 2005 (14.01.2005)
- pages* _____ received by this Authority on _____
- ☒ the drawings:
- pages _____ 1-6 _____, as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. _____ 14, 19 _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☒ neither restricted nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is

- ☐ complied with.
- ☒ not complied with for the following reasons:

The matter common to claims 1-21 is only that communication information is obtained when a virus invades, and the computer that has sent the virus is detected based on the obtained communication information, in view of the descriptions in independent claims 1, 6, 17, 18, 20 and 21.

The search revealed, however, that the above-mentioned matter common to them is not novel, as it is described in the following document:

Document: JP, 11-134190, A (Hitachi, Ltd.), 21 May, 1999 (21.05.99), full text, Figs. 1-5 (Family: none)

The above document describes that a virus check is performed on the data forwarded in a network, and, if a virus infection is detected, the computer that has sent the electronic mail or document file to which the virus is attached is detected on the basis of the information transmitted from it.

As a result, the above-mentioned matter common to claims 1-21 is not beyond the scope of the prior art, and so it is not considered that, because of the said matter, the said claims are so linked to one another as to form a single general inventive concept.

The matter common to claims 1-13, 15-18 and 20 is that an attack-on-virus process is performed against a computer that has transmitted a virus; on the other hand, the subject matter of claim 21 does not relate to performing an attack-on-virus process. Accordingly, it is not considered that the subject matters of claims 1-13, 15-18 and 20, and the subject matter of claim 21, are so linked to each other as to form a single general inventive concept.

Accordingly, the subject matters of claims 1-13, 15-18 and 20, and the subject matter of claim 21, do not satisfy the requirement of unity of invention.

4. Consequently, this report has been established in respect of the following parts of the international application:

- ☐ all parts.
- ☒ the parts relating to claims Nos. 1-13, 15-18, 20

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP04/003520

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)

Claims

1-13, 15-18, 20

YES

Claims

NO

Inventive step (IS)

Claims

1-13, 15, 16, 18, 20

YES

Claims

17

NO

Industrial applicability (IA)

Claims

1-13, 15-18, 20

YES

Claims

NO

2. Citations and explanations (Rule 70.7)

Document 1: JP, 2002-252654, A (Mitsubishi Electric Corp.), 6 September, 2002 (06.09.02)

Document 2: WO, 2002-006928, A (VCIS Inc.), 14 June, 2002 (14.06.02)

Document 3: Why Doesn't This Kind of Product Exist?, (in Japanese), Ohmsha, Ltd., 1 December, 1999 (01.12.99), Computer & Network LAN, Vol. 17, No. 12, pages 45-47

Document 4: JP, 2002-73433, A (Mitsubishi Electric Corp.), 12 March, 2002 (12.03.02)

Document 5: JP, 2003-36243, A (KDDI Corp.), 7 February, 2003 (07.02.03)

Document 6: JP, 11-134190, A (Hitachi, Ltd.), 21 May, 1999 (21.05.99), full text, all drawings (Family: none)

The subject matter of claim 17 does not appear to involve an inventive step in view of document 1 cited in the ISR.

Document 1 describes (1) a DDoS attack wherein packets are simultaneously transmitted to the transmitted parties to be attacked from a plurality of transmitting parties by remote-controlling agents in a computer network, and (2) the constitution wherein packet relays are automatically stopped when an invasion by an unauthorized access is detected, and it would be obvious to a person skilled in the art to adopt the constitution of a means of attack in document 1 wherein packets are simultaneously transmitted to the transmitted party.

The subject matters of claims 1-13, 15, 16, 18 and 20 appear to be novel and to involve an inventive step in view of documents 1-5 cited in the ISR, and document 6 newly cited.

The above-mentioned documents do not describe that an advance message that an attack-on-virus process will be performed or that an attack will be begun is transmitted, or that a warning sound is produced at an attacking terminal device when or after an attack is begun, and a person skilled in the art could not have easily conceived of such features from the descriptions in the above-mentioned documents.